

volume, a volume of macropores having diameters that exceed 200Å of not more than 15 % based on the total pore volume, and a specific surface area ranging from 1,000 to 2,500 m<sup>2</sup>/g.

Declaration (37 CFR 1.132)

Applicants hereby enclose an informal copy of a declaration which describes the preparation of a carbonaceous material of the JP-06-216446 reference of record in the case, in particular a carbonaceous material prepared according to Experiment 1 of the reference. Pages 2 and 3 of the declaration provide the details of the experiment, and the percent volumes of pores of the different pore size classifications are provided. The pore sizes of the product of the experiment are presented in the table below along with the pore size limitations of presently active Claim 17.

	Present Claim 17	'446 Reference
Vol of micropores with diameters ranging from 10 to 20 Å	10-45 %	27 %
Vol of mesopores with diameters ranging from 20 to 200 Å	35-65 %	15 %
Vol of macropores with diameters exceeding 200 Å	at most 20 %	9 %

The data presented in the table above clearly demonstrate that the carbonaceous product of the present invention is clearly distinguished over the carbonaceous product of the reference on the basis of the volume of the mesopores ranging from 35-65 % in the product of the present invention in comparison to the 15 % volume content of mesopores in the product of the '446 reference.

### Prior Art Rejections

As to the cited '446 reference, applicants have stated on the record that the materially different process of the reference in preparing a carbonaceous product results in a product in which the mesopores which are formed are formed in a non-uniform manner. Thus, the results obtained in a repetition of Experiment 1 of the '446 reference as noted above establishes that the carbonaceous product of the reference is not the same or similar to that of the present invention. A product that contains only 15 % mesopores is clearly different from one that contains 35-65 % mesopores.

As to the cited '227 reference, applicants maintain as they have stated previously that the pore size distribution of the carbonaceous product of the reference is completely different from the pore size ranges set forth in Claim 17 of the present application. The reference, in fact, is less relevant to the present invention than the '446 reference.

As to the matter of the rejection of Claims 17-24, 31 and 38-43 in view of the combination of '446 and '277 along with '092 and '915, applicants maintain their previously stated position that '092 is completely irrelevant to the rejection because it discloses an electrolytic capacitor, not an electric double layer capacitor. In the electrolytic capacitor of '092 salicylic acid is used as an electrolyte solution and the electrodes of the electrolytic capacitor consist of aluminum foil alone with no activated carbon.

Finally, as to the '915 reference, whereas the reference indeed discloses electric double layer capacitors, the active carbon material of the capacitors is obtained by foaming and curing a phenol resin, followed by carbonizing and activating the foamed product. A foaming agent is added to the phenol resin for curing. These material parameters of the resin starting material employed in the present process embodiments are critical in obtaining the claimed carbonaceous material of the present invention. However, there is no disclosure of the pore

size distribution of the activated carbon product obtained. Clearly, the combined references do not obviate any of the claimed aspects of the present invention.

In light of the above comments and in view of the comparative evidence presented in the enclosed copy of a declaration (The signed original will be filed as soon as it is received by applicants' representative.), applicants believe that the application is in proper condition for consideration on its merits.

Respectfully submitted,

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